



Testimony in Support of House Bill 360
Criminal Procedure – Automated Expungement (Clean Slate Act of 2026)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Melissa Rothstein, Esq.

DATE: March 3, 2026

I am an expungement attorney for Out for Justice, Inc. (OFJ), and I urge the committee to issue a favorable report on House Bill 360.

OFJ seeks to engage, educate, and empower individuals impacted by the legal system to build collective power for dismantling systemic oppression and harmful policies. The organization strives to humanize marginalized communities, prevent criminalization, reduce recidivism and promote second chances and successful reintegration through advocacy, education and supportive programming. Providing the opportunity for people with a criminal conviction to clear their record after having served their sentence is a high priority for OFJ, an important component of successful long-term reentry, and a positive public safety measure.

Expungement of a criminal record restores access to work, housing, and other basic needs after someone has served their time without a new conviction after the designated waiting period. The complexities of determining whether a conviction is eligible and the process for filing of a petition result in many individuals not pursuing this remedy and remaining hampered by their prior criminal record. HB 360 will streamline the process to provide automatic removal of eligible cases from the Central Repository and electronic court records.

HB 360 does not expand the list of eligible convictions nor alter the criteria for eligibility. Rather, it streamlines the process for removing access to this information by employers, housing providers, licensing agencies, and others who may restrict opportunities based on a criminal conviction. It does so after a lengthy period of time (beyond when expungement is first available) to remove any heightened risk of recidivism.

The eligible convictions do not stem from violent or serious offenses. Rather, they are misdemeanors that disproportionately impact people with a psychiatric concern, a substance use disorder, and/or abject poverty. Automatically expunging their records can be particularly impactful to promote stability for these exceptionally vulnerable individuals. As Black and Brown individuals are disproportionately brought into the criminal legal system and face disparities throughout the process, automatic expungement is an important racial justice measure.

While promoting the removal of barriers caused by misdemeanor convictions, HB 360 seeks to balance the concerns of non-citizens, for whom destruction of these records could have significant immigration consequences. The bill does not require obliteration, although it is unclear whether the option of obliterating remains. A non-citizen defendant or their attorney should be able to obtain their own expunged records upon written request to the clerk, without requiring a judge's good cause finding.

The Clean Slate bill has the ability to help many impacted individuals. It's an important piece of legislation, that will streamline the process and encourage opportunities that promote a productive law-abiding lifestyle. For these reasons, I urge you to issue a favorable report on HB 360.